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February 1, 1983

Audrey Sylvester  
Visual Arts Coordinator  
New Hampshire Commission on the Arts  
40 North Main Street  
Concord, NH 03301

Dear Ms. Sylvester:

By letter dated January 6, 1983, you have requested our opinion "regarding insurance for artwork purchased under the Percent for Art Program." We have interpreted your letter as a request that we render an opinion on the following questions:

1. May the Commission on the Arts (hereinafter "Commission") purchase insurance for works of art currently owned by the State of New Hampshire?
2. May other State agencies obtain insurance for works of art purchased under the Percent for Arts Program?

Our response to Question 1 is that the Commission may purchase such insurance. Our response to Question 2 is that other State agencies may not purchase such insurance.

RSA 9:27 provides as follows:

9:27 Limitations On Insurance. The funds of the state or any department or institution thereof shall not be used for providing for insurance of property owned by the state

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against loss by fire or other casualty or against claims by third parties; provided, however, that such insurance as may be specifically authorized by law shall be carried, and such insurance as may be approved by the governor and council shall be carried on elevators and boilers and unfired pressure vessels in connection with request inspections.

(Supp. 1981) Thus, a State agency shall obtain insurance for property owned by the State only when specifically authorized by law.

RSA 19-A:10 authorizes the Commission to obtain insurance "when it deems such insurance necessary for the protection of the works of art which it purchases." This statute authorizes only the Commission to acquire insurance. In the absence of any statute authorizing other State agencies to do so, the Commission should obtain insurance for those works of art which it deems necessary to insure.

I trust this is responsive to your inquiry. Should you have any further questions, please feel free to contact me.

Very truly yours,



Loretta S. Platt  
Assistant Attorney General  
Division of Legal Counsel

LSP/gla

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